

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Amendments to the Claims

Claims 1, 4 and 11 have been amended to limit "B" to a pyridine ring (pyridyl group) in accord with the present requirement for restriction.

Claim 12 has been amended to indicate appropriate superscript and subscript typeface and to conform the designation of a pyridine ring as a "pyridyl" group. Applicants note that these terms are considered synonymous in the art; the present amendment corresponds to the nomenclature used in the present application (and in claim 11, from which it depends).

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6 and 9-12 are now pending in this application.

Restriction Requirement

Claims 1-6 and 9-12 stand restricted into the following two groups defined in the Office Action:

Group I. Claims 1-6, 9-12, drawn to compound of formula I wherein B is a pyridine ring and Ar² is 6-membered heteroaryl with 1 to 3 nitrogens, classified in classes 546, 544, subclasses 268.1, 180, 182, 238, 322, 405, class 514, subclasses 241, 242, 252.01, 252.11, 256, 269.

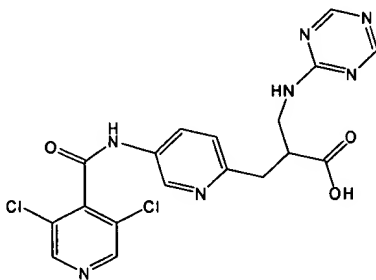
Group II. Claims 1-6, 9-12, drawn to compound of formula I, not provided for in Group I, classified in classes various, subclasses various depending upon the choice of B and Ar².

In response, Applicants elect without traverse Group I drawn to compounds of formula I wherein B is a pyridine ring and Ar² is a 6-membered heteroaryl with 1 to 3 nitrogens.

Election of Species

In addition to the above, the Office Action recites that Applicants are further required to elect a single, specific species for the elected group a single disclosed species for prosecution on the merits.

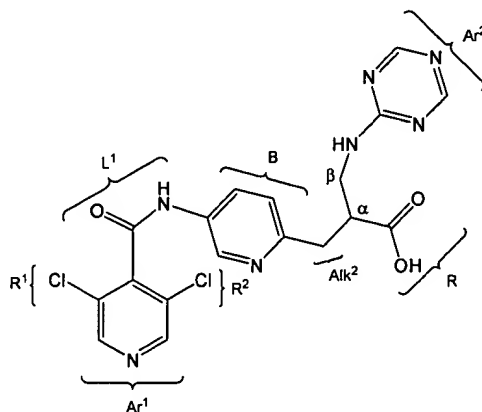
In response, Applicants elect, without traverse, the compound of formula I, wherein R¹ is Cl (see page 12, paragraph [0039], line 2), R² is Cl (see page 12, paragraph [0039], line 2), R³ is H (see page 12, paragraph [0039], line 2), Ar¹ is pyridyl (see page 14, paragraph [0041], line 5), r is 0 and alk¹ is absent (see page 10, paragraph [0030], line 1), L¹ is -C(O)NH- (see page 11, paragraph [0034], line 5), B is pyridylene (see page 48, paragraph [00136], line 3), R⁴ and R⁵ are H (see page 12, paragraph [0039], line 2), m is 1 and Alk² is -CH₂- (see page 11, paragraph [0033], line 2), R is -C(O)OH (see page 5, paragraph [0013], line 21), R⁶ is H (see page 23, paragraph [0069], line 1-2), R^a is H (see page 23, paragraph [0069], line 1-2), Ar² is 1,3,5-triazinyl (see page 23, paragraph [0070], line 7).



S-3-[3-(3,5-dichloropyrid-4-ylcarboamido)pyrid-6-yl]-2-(1,3,5-triazinylamino-methyl)propionic acid.

Notwithstanding the Office's argument that the species does not read on claim 1, Applicants believe that claims 1, 5, 6, 9, 11, and 12 read on the elected species. Specifically, Applicants contend that the claimed species is in fact a beta-amino acid.

For the benefit of the Examiner, Applicants provide below a diagram and a table which equate the variables of the species to the support provided in Claim 1. Also provided below is a detailed comparison of the variables of the species and the support provided in Claim 1.



Variable	Variable in Species	Support in Claim 1
R ¹	Cl	R ¹ may be ...-L ² (Alk ³) _t L ³ (R ⁷) _u in which L ² and L ³ ...is each a covalent bond..., t is zero...and R ⁷ is a ... halogen atom.
R ²	Cl	R ² may be ...-L ² (Alk ³) _t L ³ (R ⁷) _u in which L ² and L ³ ...is each a covalent bond..., t is zero...and R ⁷ is a ... halogen atom.
R ³	H	R ³ may be ...-L ² (Alk ³) _t L ³ (R ⁷) _u in which L ² and L ³ ...is each a covalent bond..., t is zero...and R ⁷ is a hydrogen.
Ar ¹	Pyridine	Ar ¹ is ... a heteroaromatic group. In the specification on page 14, paragraph [0041], a preferred heteroaromatic group is pyridyl.
Alk ¹	--	--
r	0	r is zero...
L ¹	-C(=O)NH-	L ¹ is a ... linker group. In the specification, on page 11, paragraph [0034], an example of a linker group is -CON(R ¹¹)-, where R ¹¹ is hydrogen.
B	Pyridine	B is a nitrogen containing heteroaryl group.
R ⁴	H	R ⁴ may be ...-L ² (Alk ³) _t L ³ (R ⁷) _u in which L ² and L ³ ...is each a covalent bond..., t is zero...and R ⁷ hydrogen
R ⁵	H	R ⁵ may be ...-L ² (Alk ³) _t L ³ (R ⁷) _u in which L ² and L ³ ...is each a covalent bond..., t is zero...and R ⁷ is a hydrogen
Alk ²	-CH ₂ -	Alk ² is a straight ... alkylene chain. In the specification on page 11, paragraph [0033], a preferred alkylene is -CH ₂ -.
m	1	m is ... 1
R	-CO ₂ H	R is a carboxylic acid (-CO ₂ H).

Variable	Variable in Species	Support in Claim 1
R ⁶	H	R ⁶ is a hydrogen atom...
R ^a	H	R ^a is a hydrogen atom...
Ar ²	1,3,5-triazine	Ar ² is an optionally substituted ... heteroaromatic group. In the specification on page 14, paragraph [0041], 1,3,5-triazinyl is provided as an example of heteroaromatic groups.

Applicants respectfully point out that the elected species does in fact read on Claim 1 and the indicated dependent claims.

Further, in response to the Examiner's statement that the elected species is an alpha amino acid, applicants again refer the Examiner to the diagram above, in which the α and β carbons are indicated. From the diagram, it is clear that the substituted amino group is attached to the β carbon, making this a β -alanine derivative.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date Sept 14, 2004

By Carol A. Stratford

FOLEY & LARDNER LLP
Customer Number: 38706
Telephone: (650) 856-3703
Facsimile: (650) 856-3710

Carol A. Stratford, Ph.D.
Attorney for Applicant
Registration No. 34,444